

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOAN L. SMITH,)	
)	
Plaintiff)	
)	
v.)	Civil No. 04-cv-40193FDS
)	
UNUM LIFE INSURANCE)	
COMPANY OF AMERICA,)	
)	
Defendant)	

JOINT STATUS REPORT

Pursuant to the Court's Order, the parties report the following regarding the status of the reassessment of Ms. Smith's claim: The reassessment process under the Regulatory Settlement Agreement (the "RSA") for notified claimants has concluded. The Defendants have determined that Ms. Smith is eligible for retroactive payment of her long-term disability benefits and has restored her benefits under the terms of her disability plan. Accordingly, the parties are hereby moving to request that the Court enter a Scheduling Order establishing the following deadlines to resolve the last remaining issue, *i.e.*, whether Plaintiff is entitled to recover her attorneys' fees and costs and, if so, the amount to which she may be entitled. The parties are currently in the process of attempting to resolve this matter without the need for extensive briefing. The schedule set forth below provides the parties some time to resolve the pending issue prior to the filing of a fee petition.

<u>Event</u>	<u>Deadline</u>
1. Plaintiff shall serve an attorney fee demand	September 26, 2007

- | | |
|---|-------------------|
| 2. Defendant shall serve a reasonable offer | October 15, 2007 |
| 3. Plaintiff files a Fee Petition | November 14, 2007 |
| 4. Defendant files Opposition | November 28, 2007 |

DATED: September 4, 2007

/s/ Howard J. Potash

Howard J. Potash, BBO #404160
306 Main Street, Suite 300
Worcester, MA 01608
(508) 754-2624

Attorney for Plaintiff Joan Smith

/s/ Geraldine G. Sanchez

Geraldine G. Sanchez
PIERCE ATWOOD LLP
One Monument Square
Portland, ME 04101
(207) 791-1100

*Attorneys for Defendant
Unum Life Insurance Company of America*